

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

Bail Appl..No. 5170 of 2007()

[CRIME NO.72/2007 OF KONGAD POLICE STATION]

PETITIONER/7TH ACCUSED:

SHINOY @ BIJOY, S/O. FRANCIS,
PORATHUR VEEDU, RAMAVARMAPURAM, THRISSUR.

BY ADV. SRI.P.K.ANIL

RESPONDENTS: COMPLAINANT/STATE:

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1. THE SUB INSPECTOR OF POLICE,
KONGAD POLICE STATION.
 2. STATE, REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23/08/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J.

B.A.No.5170 of 2007

Dated this the 23rd day of August 2007

O R D E R

Application for regular bail. The petitioner, along with the co-accused, faces allegations under Section 395 I.P.C. Altogether there are 14 accused persons. The crux of the allegations against the accused persons is that in furtherance of their prior concert, they proceeded in two vehicles chasing a bus in which three victims were travelling. The victims were allegedly carrying a large amount of currency notes. The bus in which the victims were travelling was stopped. Some of the miscreants got into the bus. The three victims were dragged out of the bus. They were taken away by the miscreants who came in those two vehicles. After travelling some distance, they were robbed of the valuables and currency notes in their possession. They were, thereafter, released. The miscreants sped away in the vehicles. The petitioner is alleged to be one of those miscreants. There is no specific allegation that the petitioner had also entered the bus to drag out the three victims. The petitioner was arrested on 27/7/2007. The alleged incident took place on 1/3/2007. The crime was registered only on 18/4/2007. Very interestingly, the victims did not lodge any complaint before the police. They were engaged by their employer to carry currency. Obviously it would

appear that they assumed that the case could be settled by themselves. It is alleged that the police official of another police station accidentally came across two of the miscreants. They were arrested and interrogated and then information of this crime was revealed and later a crime was registered. Be that as it may, investigation is in progress. The petitioner was arrested on 27/7/2007. Some of the co-accused have already been arrested and released on bail. The petitioner continues in custody from 27/7/2007.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. Except a wild allegation that the petitioner was also present along with others, there is no specific overt act alleged against the petitioner. Some of the co-accused, who had spent lesser period in custody were released on bail also. In these circumstances, the petitioner may also be enlarged on bail, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the investigation is not complete. Allegations raised reveal a very serious and grave crime committed by the accused persons. The evidence convincingly indicates that the petitioner is one among those who chased the victims in two vehicles, stopped the vehicle and indulged in the act of taking them away and robbed them. The overt act cannot be held to be crucial. In these circumstances, culpable responsibility of

the petitioner is clearly indicated, submits the learned Public Prosecutor.

4. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. In the nature of the contentions raised, the learned Public Prosecutor was requested to place the case diary for my perusal. I have perused the same. I am satisfied that in the facts and circumstances of this case, it is too early to consider the release of the petitioner on bail. The investigating officer, in a serious crime like this, must be given further time to complete the investigation after the arrest of the petitioner.

5. In the result, this petition is dismissed. However, I may hasten to observe that the petitioners shall be at liberty to move this court for bail again at a later stage of the investigation not, at any rate, prior to 06/09/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

jsr

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PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007